

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HOMESITE INSURANCE COMPANY : No. 1:22cv1664
OF THE MIDWEST, :
Plaintiff : (Judge Munley)
: (Magistrate Judge Carlson)
v. :
NIVERTITI GEAITH and OMAR :
EWIDEH, :
Defendants :

22nd ORDER

AND NOW, this 22 day of April 2024, for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

- 1) The reports and recommendations of Magistrate Judge Martin C. Carlson dated July 11, 2023 (Doc. 137) and January 16, 2024 (Doc. 222) are **ADOPTED**;
- 2) The conclusion from the report and recommendation of the magistrate judge dated July 13, 2022 (Doc. 139) is **ADOPTED**;
- 3) Plaintiff Homesite Insurance Company of the Midwest's motion to dismiss (Doc. 112) Defendants Nivertiti Geaith and Omar Ewideh's motion to dismiss/motion for summary judgment is **GRANTED**;

- 4) Defendants' motion to dismiss/motion for summary judgment (Doc. 67) is **DISMISSED**;
- 5) Plaintiff's motion for sanctions (Doc. 164) and motion to supplement (Doc. 214) are **GRANTED**;
- 6) Plaintiff's motion for default (Doc. 101) is **DISMISSED** as moot;
- 7) Default judgment is entered in favor of plaintiff and against defendants;
- 8) The following declaratory judgment is entered in favor of plaintiff and against defendants:
 - a. Plaintiff Homesite Insurance Company of the Midwest properly, adequately and completely adjusted Claim Nos. 01004564122 and 01004577379;
 - b. Defendants Nevertiti Geaith and Omar Ewideh, have breached their duty to cooperate under the Policy No. 38238426, which breach has prejudiced Plaintiff Homesite Insurance Company of the Midwest;
 - c. Defendants, Nevertiti Geaith and Omar Ewideh are barred from further recovery for Claim Nos. 01004564122 and 01004577379; due to fraud, misrepresentation, and concealment of material facts; and
 - d. There is no further coverage under Policy No. 38238426 for Claim Nos. 01004564122 and 01004577379.
- 9) All other pending motions on the docket (Docs. 227, 235, 243, 244, 257, and 269) are **DISMISSED** as moot; and

10) The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court